

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RICHARD G. TATUM, individually )  
and on behalf of a class of all other )  
persons similarly situated, )

Plaintiffs, )

v. )

Civil Action No. 1:02 CV 00373

R.J. REYNOLDS TOBACCO )  
COMPANY, *et al.*, )

Defendants. )

**DEFENDANTS' SUGGESTION OF SUBSEQUENTLY DECIDED AUTHORITY**

Defendants hereby submit as subsequently decided authority the Second Circuit's recent decision in *Nationwide Life Ins. Co. v. Haddock*, No. 10-4237-cv, 2012 WL 360633 (2d Cir. Feb. 6, 2012), as addenda to (1) Defendants' Memorandum in Support of Third Motion to Decertify the Class [# 425] and (2) Defendants' Reply in Support of Their Third Motion to Decertify the Class [# 431]. This authority is relevant to the issue of whether the class was properly certified in accordance with the requirements of Rule 23(b) of the Federal Rules of Civil Procedure.

Respectfully submitted this the 9th day of February, 2012.

/s/ Daniel R. Taylor, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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